

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.530/03

Thursday this the 28th day of August 2003

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T.NAYAR, ADMINISTRATIVE MEMBER

V.Jeejo
S/o. late Vijaya Babu
Gramin Dak Sevak Mail Packer,
Kollam Bazar PO.

Applicant

(By advocate M/s. Shafik M.A & Shihabuddin M.A)

Versus

1. Senior Superintendent of Post Offices
Kollam Division, Kollam.
2. Senior Superintendent of Post Offices
Thiruvananthapuram North Postal Division,
Thiruvananthapuram.
3. Chief Post Master General
Kerala Postal Circle,
Thiruvananthapuram.
4. Union of India represented by
its Secretary,
Ministry of Communications,
New Delhi.

Respondents

(By advocate Mr.K.Kesavankutty,ACGSC)

This application having been heard on 28th August 2003 the Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

The applicant working as GDS MC, Kollam Bazar PO, having valid Motor Driving Licence and has also been working as a Driver, pursuant to a notification issued on 28.6.02 for making direct recruitment applied for the post by submitting his application (A-3). Apprehending that his candidature would not be considered, the applicant has filed this application for the following reliefs :-

1. to declare that since there are no eligible Gr."D" or Gr."C" employees in the division for transfer to the post

of Driver, MMS, Thiruvananthapuram North Division, the ED Agents of neighbouring Divisions like the applicant should also be considered for transfer and appointment to the above post, on a beneficial construction of Annexure A-1 Rules ;

ii. to issue appropriate direction or order directing the respondents 2 and 3 to consider the case of the applicant and other eligible and qualified working ED Agents to the post of Driver, MMS that arose in Thiruvananthapuram North Division and to appoint the applicant to the above post if found meritorious on the basis of his valuable experience driving departmental vehicles from the year 1999 onwards;

or in the alternative

to consider the case of the applicant along with open market candidates by giving due weightage to his valuable experience driving departmental vehicles from the year 1999 onwards ;

2. It is alleged in the application that since ED Agents are feeder grade for appointment to the post in Group "C" and Group "D" on a liberal interpretation of Recruitment Rules the ED Agents can also be considered for appointment by transfer as Motor Vehicle Driver and therefore before resorting to direct recruitment the case of the applicant for transfer should have been considered. It is with the above averments that the applicant has sought the reliefs aforesaid.

3. Learned counsel for the respondents states that the respondents have no objection in considering the applicant's candidature for direct recruitment. However, he states that the ED Agents are not in the feeder grade for appointment by transfer as Motor Vehicle Driver. As per the Recruitment Rules those who are entitled to be considered for promotion/transfer are Group "C" and Group "D" employees of the Department as also the Despatch Rider who have valid driving licence with three years of regular service in the Department and whose scale of pay is lower than that of the Motor Vehicle Driver and ED Agents who do not come within that category has no right to promotion or transfer stated the counsel.

4. We have gone through the materials available on record. The claim of the applicant that he is entitled to be considered for appointment by transfer is found to be against the provisions of the Recruitment Rules. Those eligible for appointment by transfer as Motor Vehicle Drivers are Group "C" and "D" employees and Despatch Rider of Department, having a minimum length of three years of service in the Department and whose scale of pay is lower than that of the Motor Vehicle Driver. The applicant does not have a scale of pay and he is not an employee of the Department. Just because ED Agents are entitled to be recruited to Group "D" post as also to the post of Postman against a limited quota, they cannot claim to be departmental employees. The claim of the applicant, therefore, for a direction to consider his appointment by transfer is against the provisions of the Recruitment Rules and is therefore not tenable. Since the respondents state that the applicant's case would be considered for selection to the post of Motor Vehicle Driver along with others for direct recruitment, we do not find any legitimate grievance of the applicant which calls for admission of this application. Hence the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

(Dated the 28th day of August 2003)



T.N.T.NAYAR
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN

asp